

PATENT
Atty. Docket No. 3385.1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Shigeta Jr. et. al.

Examiner: C. Nichols

Serial No: 10/083,853

Group Art Unit: 1647

Filing Date: February 26, 2002

Title: NUCLEIC ACID ENCODING
GROWTH FACTOR PROTEIN

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SUPPLEMENTAL RESPONSE TO NOTICE TO COMPLY WITH REQUIREMENTS FOR
PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO
ACID SEQUENCE DISCLOSURES

Commissioner for Patents
Washington, D.C. 20231

Sir:

Applicants are submitting a SUPPLEMENTAL RESPONSE TO NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES mailed January 6, 2003. Applicants inadvertently submitted an incomplete response.

Transmitted herewith is a copy of the "Sequence Listing" (sheets 1/18 through sheets 18/18) in paper form for the above-identified patent application as required by 37 C.F.R. 1.821(c). A copy of the "Sequence Listing" in computer readable form as required by 37 C.F.R. 1.821(e) is enclosed herewith. As required by 37 C.F.R. 1.821(f), Applicant's representative hereby states that the content of the "Sequence Listing" in paper form and the computer readable form of the "Sequence Listing" are the same and, as required by 37 C.F.R. 1.821(g), also states that the submission includes no new matter.

Applicants' representative requests that the specification be amended to include the paper copy of the sequence listing.

Additionally, Applicant's enclose a copy of the response previously filed on January 24, 2003.

No fees are believed to be due with the submission of this response. However, if a fee is required, the Commissioner is authorized to deduct such fee from Deposit Account No. 01-0431. This Transmittal Letter is submitted in duplicate for accounting purposes.

Dated: 1/30/03

Respectfully submitted,



Thomas Malone
Reg. No. 40,078

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Fax: 408-731-5392

**NOTICE TO COMPLY WITH REQUIREMENTS FOR
PATENT APPLICATIONS CONTAINING
NUCLEOTIDE SEQUENCE AND/OR AMINO ACID
SEQUENCE DISCLOSURES**

Application No.

10/083,853

Examiner

Christopher Nichols, Ph.D.

Applicant(s)

SHIGETA ET AL.

Art Unit

1647

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):

- ☐ 1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998).
- ☐ 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).
- ☐ 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).
- ☐ 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing."
- ☐ 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).
- ☐ 6. The paper copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).
- ☒ 7. Other: See attached form.

Applicant Must Provide:

- ☒ A substitute computer readable form (CRF) copy of the "Sequence Listing".
- ☒ A substitute paper copy of the "Sequence Listing", as well as an amendment directing its entry into the specification.
- ☒ A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

For questions regarding compliance to these requirements, please contact:

For Rules Interpretation, call (703) 308-4216

For CRF Submission Help, call (703) 308-4212

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December 18th, 2002

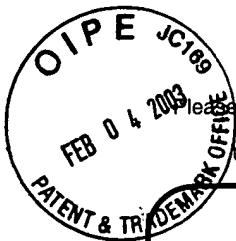
CJN



SERIAL NO.: 10/083,853 DATE FILED: 2/26/02 DOCKET NO.: 3385
TITLE: Nucleic Acid Encoding Growth Factor Protein
APPLICANT: Shigeta et al DATE MAILED/HAND DELIVERED: _____
☐ CERTIFICATE OF MAILING ☐ EXPRESS MAIL LABEL NO.: _____

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| <input type="checkbox"/> Response Missing Parts <input type="checkbox"/> pp. | | | <input type="checkbox"/> Sequence Listing <input type="checkbox"/> pp. _____ | | |
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- ✓ Preliminary Amendment; Amended Figs. of Sequence Listing
in Red Ink; Submission of Formal Drawings; Substitute
Figs. of Sequence Listing; Copy of Notice to Comply...



Please type a plus sign (+) inside this box → ☐

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TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i>	Applicati n Number	10/083,853	
	Filing Date	February 26, 2003	
	First Named Inventor	Shigeta Jr.	
	Group Art Unit	1647	
	Examiner Name	C. Nichols	
Total Number of Pages in This Submission	59	Attorney Docket Number	3385.1

1647
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ENCLOSURES (check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Response <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition Routing Slip (PTO/SB/69) and Accompanying Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Small Entity Statement <input type="checkbox"/> Request for Refund	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Additional Enclosure(s) (please identify below): <div>Copy of Previously Filed Response(1/24/2003); Return Postcard Also see Remarks Section</div>
Remarks		Supplemental Response to Notice to Comply with Sequence Listings (2 pages)

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Thomas Malone, Reg. No. 40,078
Signature	
Date	1/30/03

CERTIFICATE OF MAILING			
I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on this date: 1/30/2003			
Typed or printed name	ALOK GOEL		
Signature		Date	1/30/2003

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